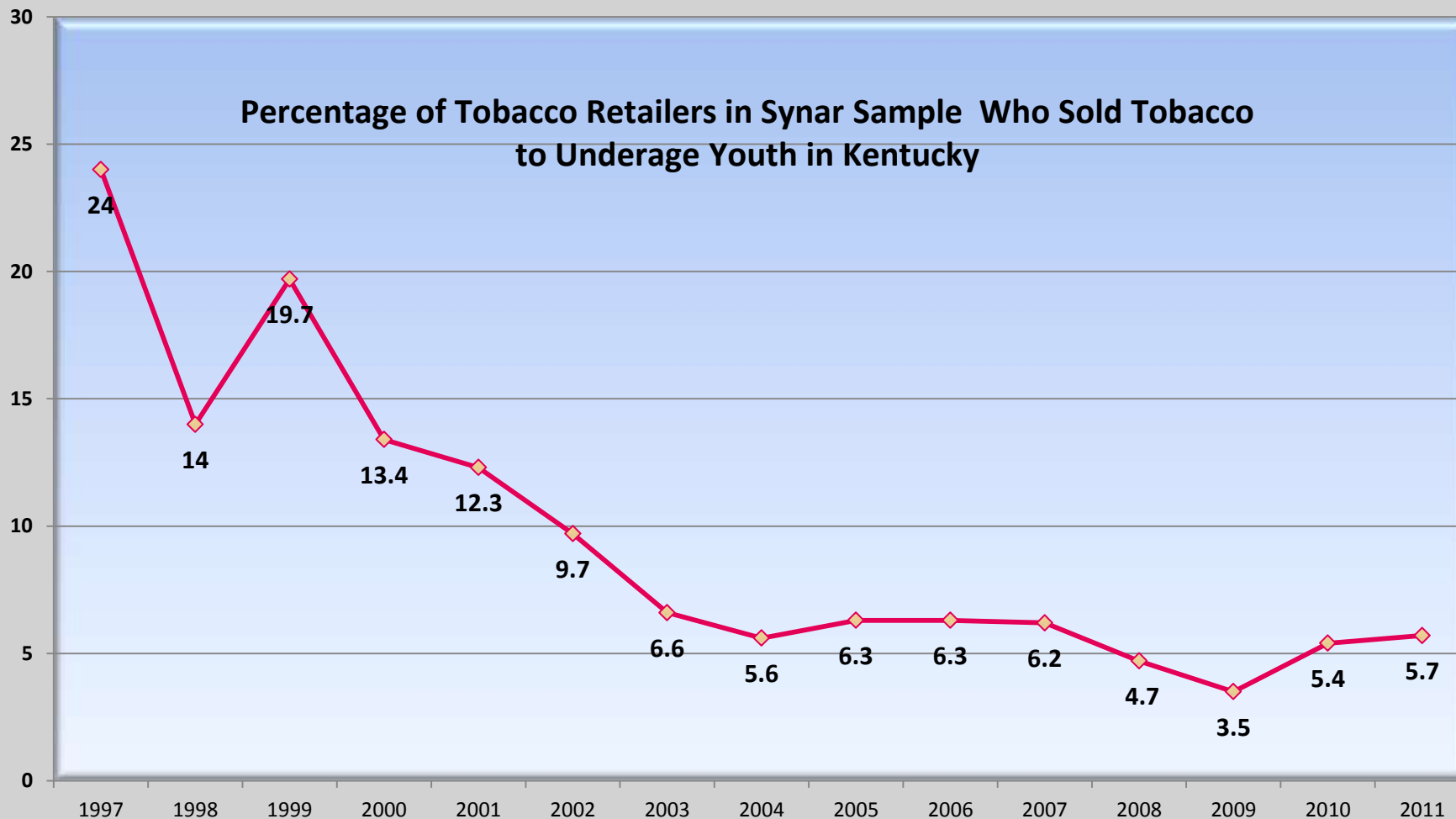




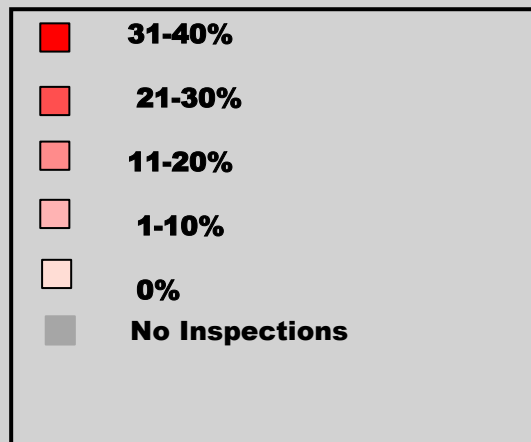
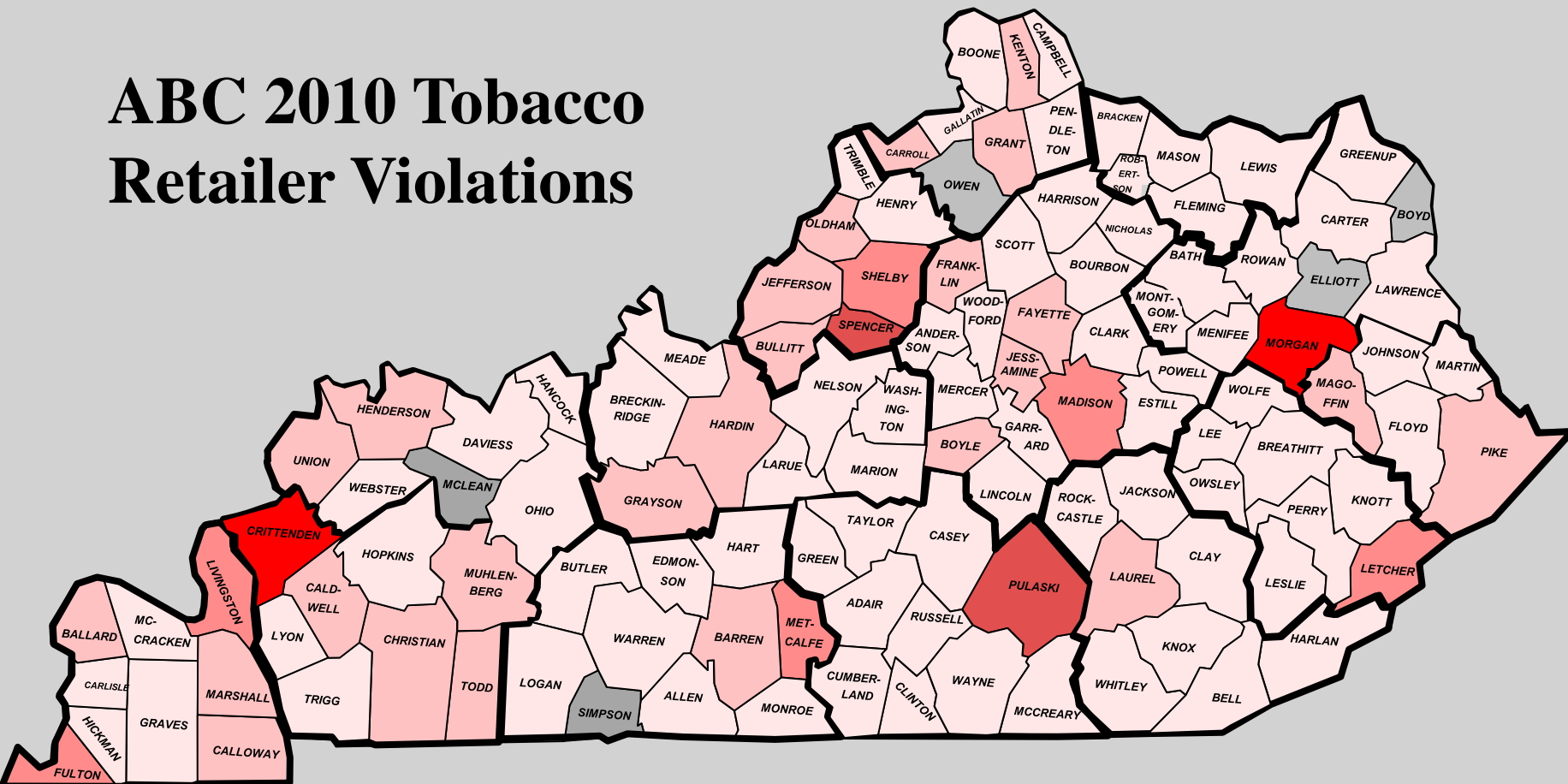
Tobacco Retail Underage Sales Training (T.R.U.S.T.)

States and the Tobacco Control Act
Conference May 10, 2012 Lexington
KY

Tobacco Vendor Compliance 1997-2011



ABC 2010 Tobacco Retailer Violations



How easy is it for youth to get cigarettes?

- Every day in Kentucky:
- 55 underage youth try cigarettes for the first time.
- 17 become new smokers
- This means that about 6,200 Kentucky youth under the age of 18 start smoking every year.
- 70% of Kentucky 10th graders report that cigarettes are “very easy to get”

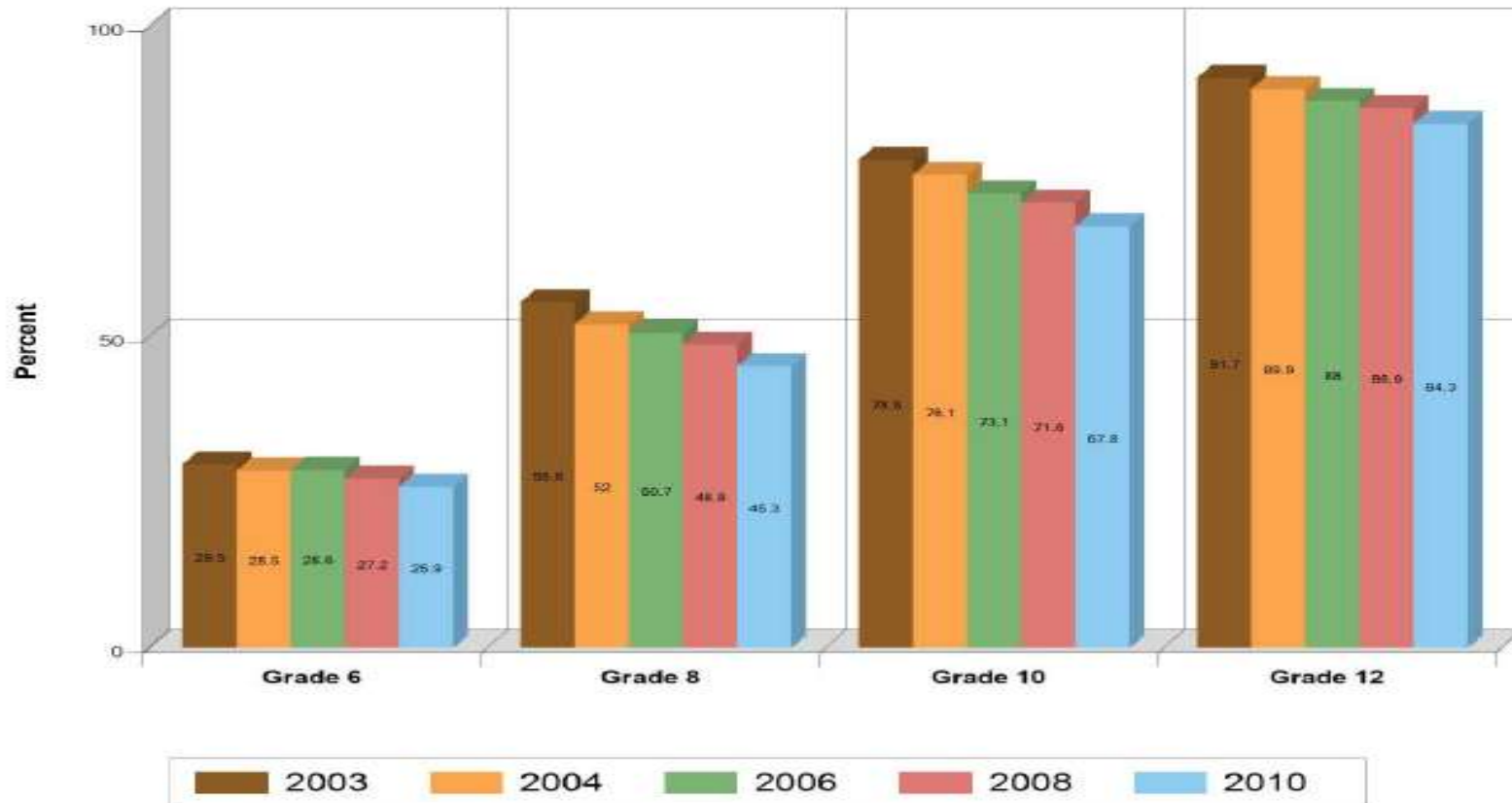
Accessibility : Cigarettes

Kentucky

Question 36 - How easy would it be for you to get some cigarettes?

Percent that answered 'Sort of easy' or 'Very easy'

Grade	2003	2004	2006	2008	2010
6	29.5%	28.5%	28.6%	27.2%	25.9%
8	55.6%	52%	50.7%	48.8%	45.3%
10	78.5%	76.1%	73.1%	71.6%	67.8%
12	91.7%	89.9%	88%	86.9%	84.3%



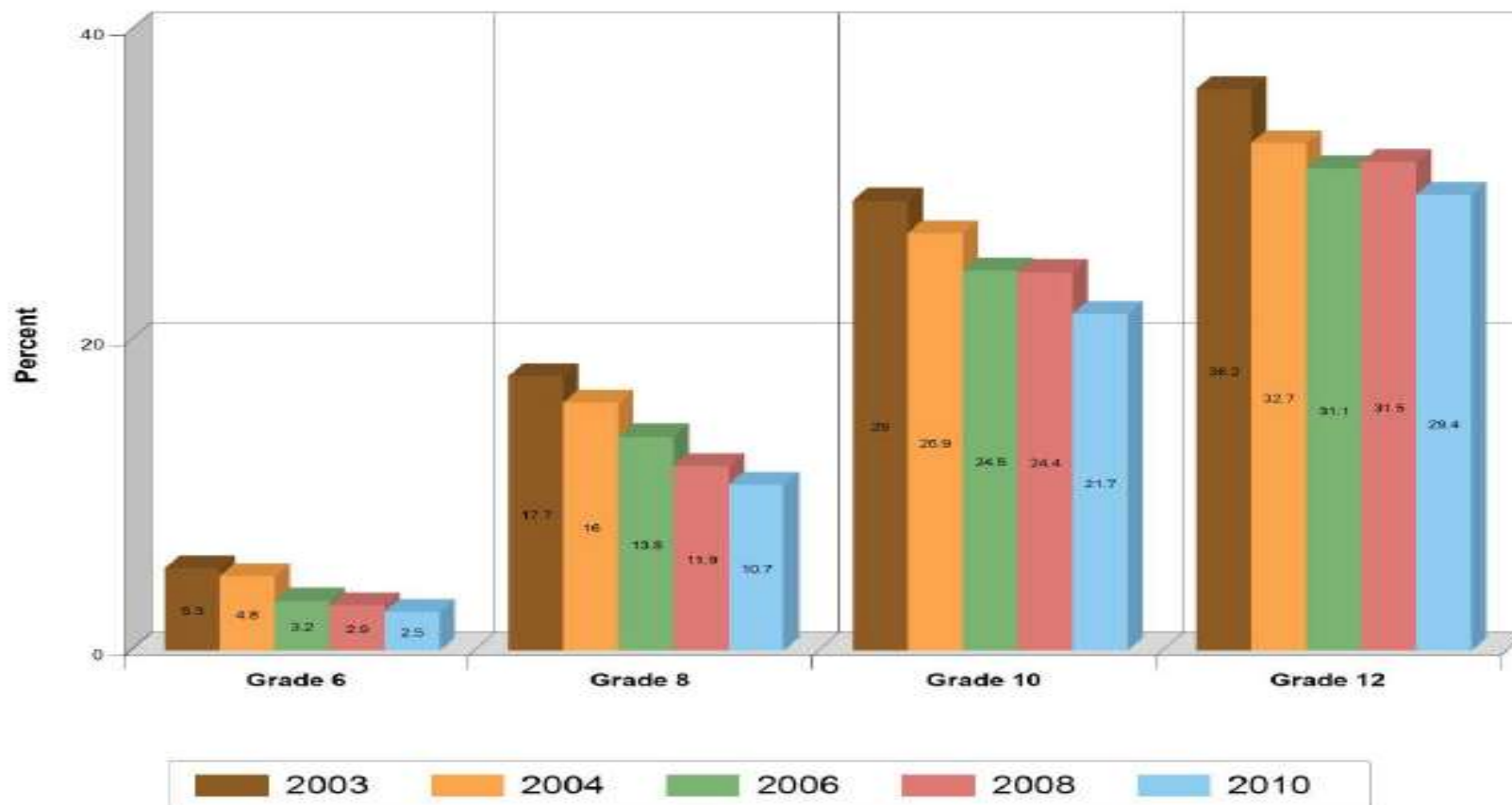
30 Day Cigarette Usage

Kentucky

Question 20 - How frequently have you smoked cigarettes during the past 30 days?

Percent that answered at least 1 occasion

Grade	2003	2004	2006	2008	2010
6	5.3%	4.8%	3.2%	2.9%	2.5%
8	17.7%	16%	13.8%	11.9%	10.7%
10	29%	26.9%	24.5%	24.4%	21.7%
12	36.2%	32.7%	31.1%	31.5%	29.4%



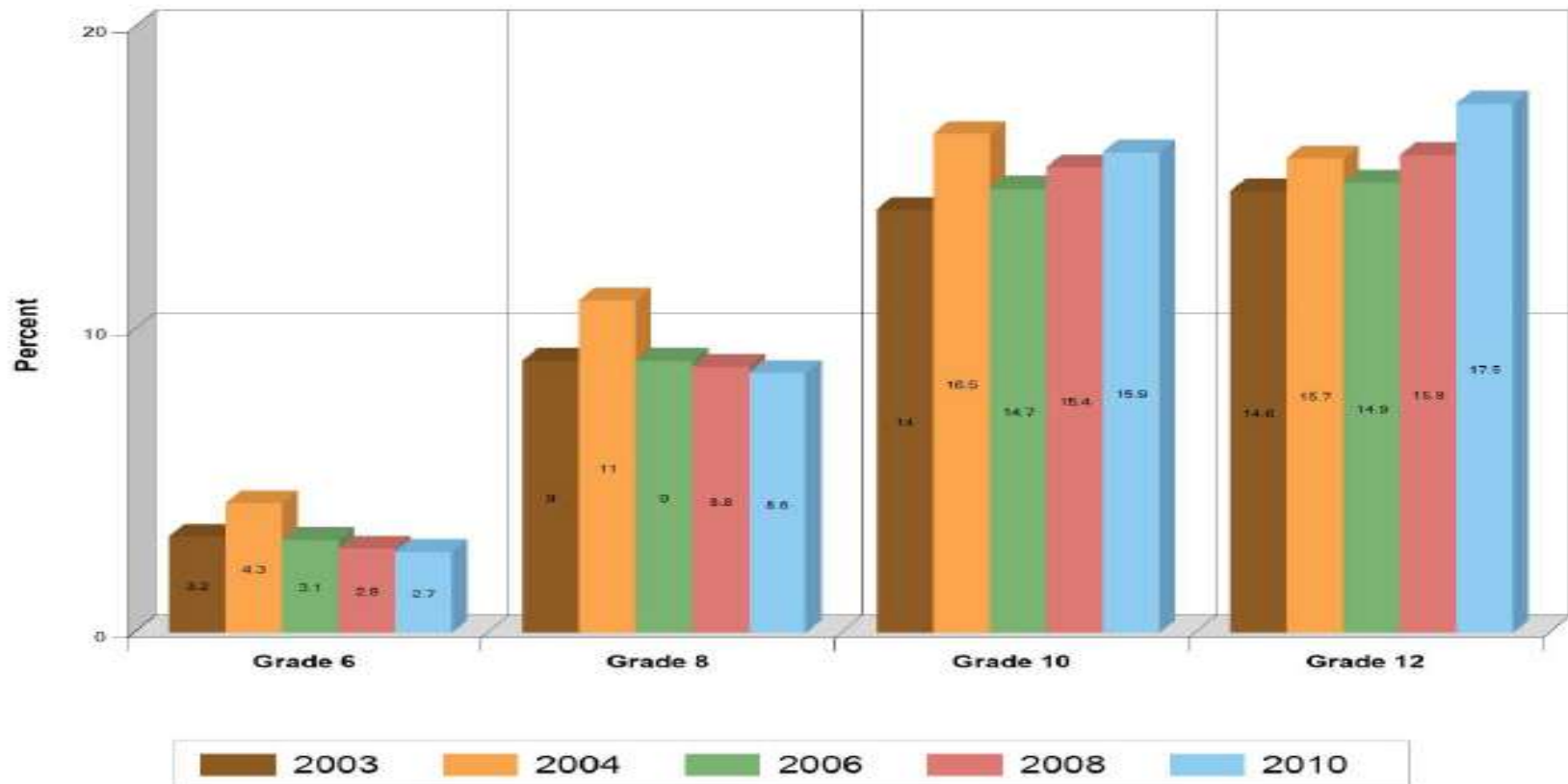
30 Day Smokeless Tobacco Usage

Kentucky

Question 17 - How frequently have you used smokeless tobacco during the past 30 days?

Percent that answered at least 1 occasion

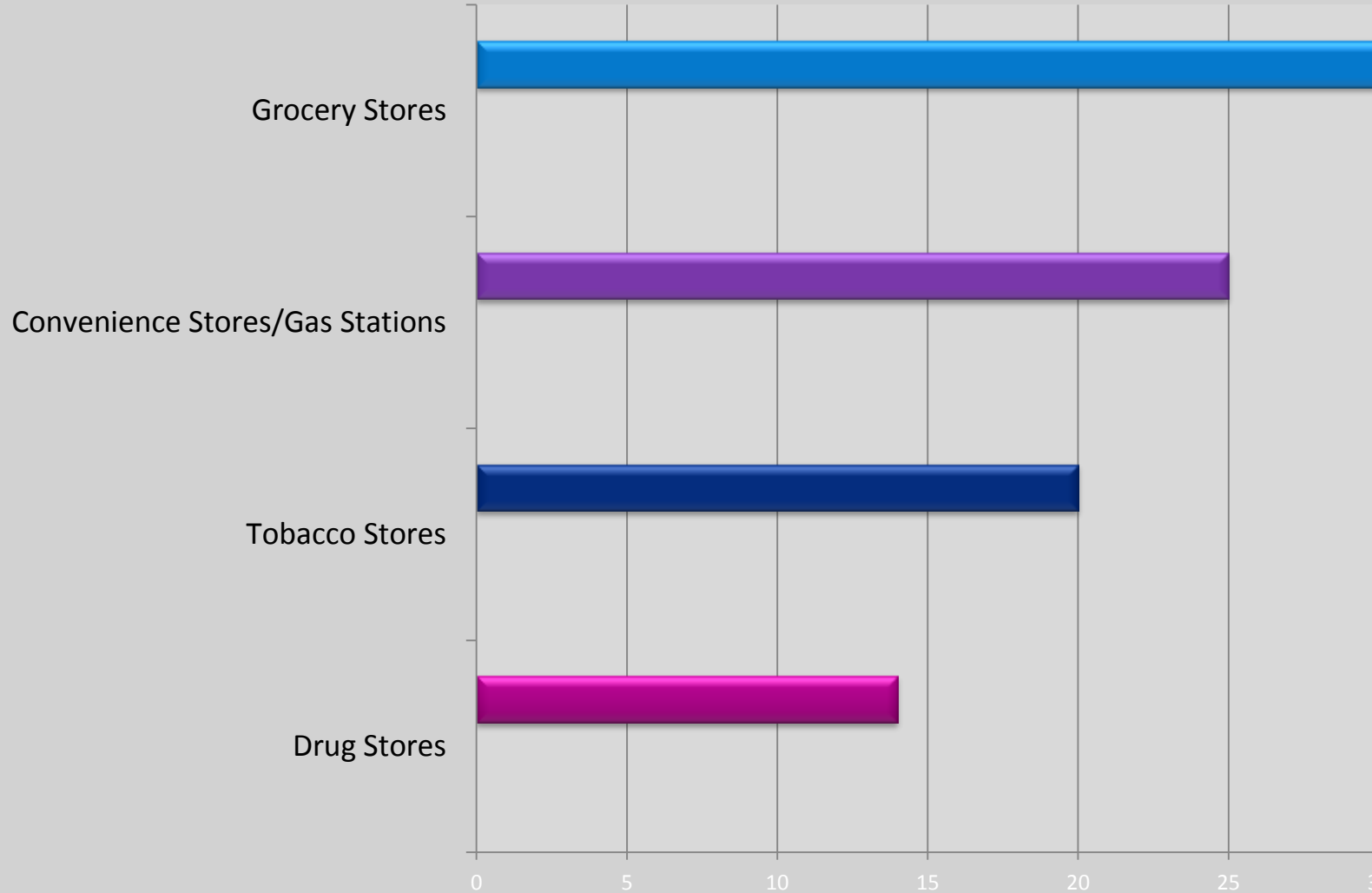
Grade	2003	2004	2006	2008	2010
6	3.2%	4.3%	3.1%	2.8%	2.7%
8	9%	11%	9%	8.8%	8.6%
10	14%	16.5%	14.7%	15.4%	15.9%
12	14.6%	15.7%	14.9%	15.8%	17.5%



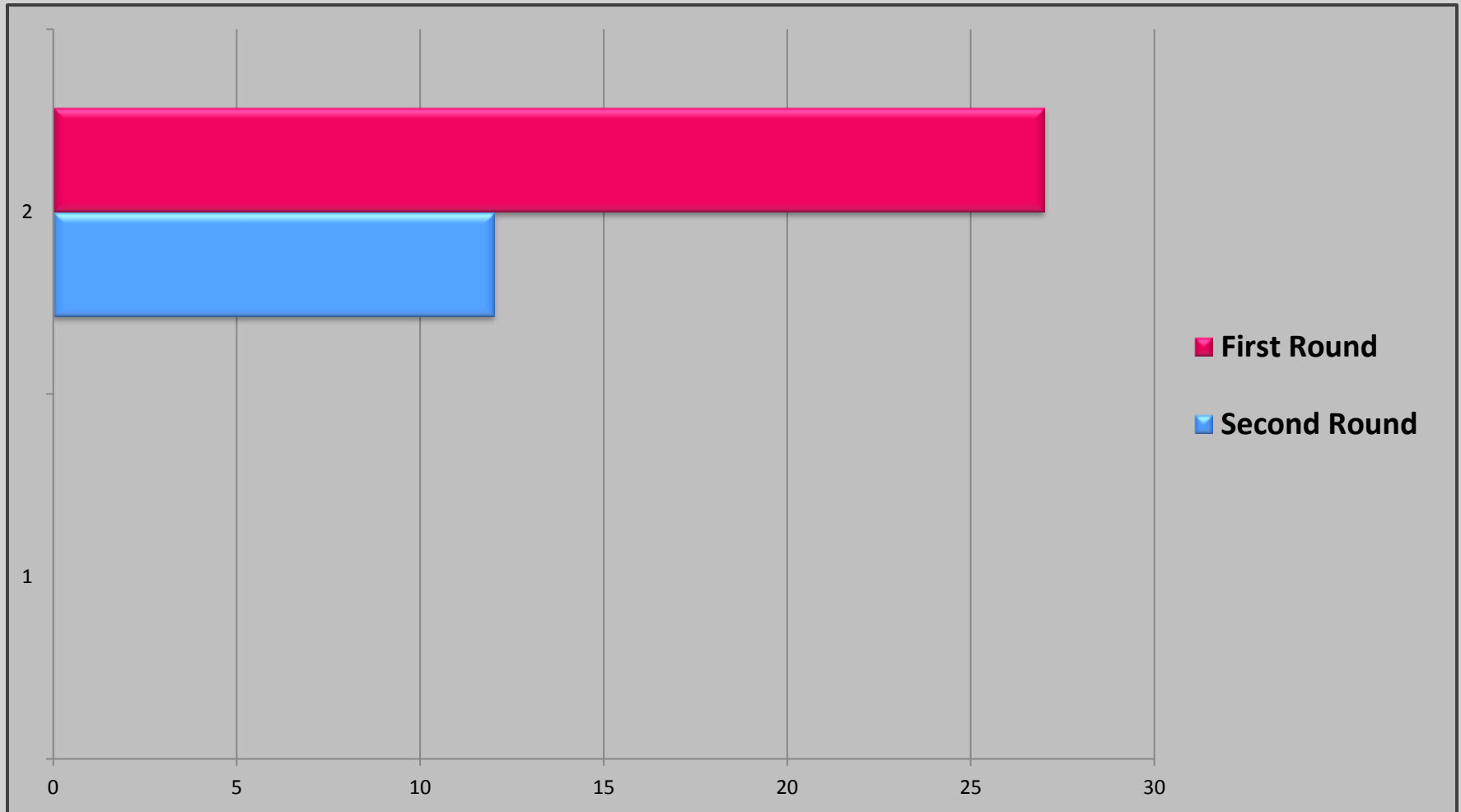
Reward and Remind Data

- 226 Purchase attempts for cigarettes
- 39 Successful purchases = 17.2% RVR
- 11 Purchase attempts for smokeless tobacco
- 8 successful purchases = 72.7% RVR

Remind and Reward: Percentages of Underage Sales per Outlet Type



Reward and Remind Round 1 v.s. Round 2 Sales



The Family Smoking Prevention and Tobacco Control Act

- Do I really have to card someone who looks over 18 but under 27?
- Can I still sell flavored cigars?
- What about E-cigarettes?
- Are menthol cigarettes included in the flavor ban?
- Can I get fined if parents buy cigarettes for their children?



Collaborative Effort

- Tobacco Prevention and Cessation Program
 - Funding
 - Assisted with creation of training module
 - Assisted with training of trainers
 - Assist with technical assistance
 - Assist with Local Health Departments



Collaborative Effort

- Division of Behavioral Health, Developmental and Intellectual Disabilities
 - Assisted with creation of training module
 - Assisted with training of trainers
 - Assist with technical assistance
 - Assist with Regional Prevention Centers

**The Division of Behavioral
Health**

Collaborative Effort

- Kentucky Alcoholic Beverage Control
 - Consultation on FDA and Kentucky tobacco laws
 - Assist with marketing TRUST
 - Renewal letters
 - Website
 - Host on-line module
 - Updated STAR training



Dissemination

- STAR
 - 55 cities and counties require Responsible Beverage Server Training
 - STAR is KY ABC's program
 - 4 hour training
 - Kentucky and Federal alcohol laws
 - Valid IDs
 - Refusing a sale
 - Federal and Kentucky tobacco laws
 - Must pass final quiz to be certified



Dissemination

- On-line Module
 - Hosted on ABC website
 - Takes about 30 minutes
 - Includes a video demonstrating how to refuse a sale
 - Must pass quiz at end
 - Certificate will be mailed



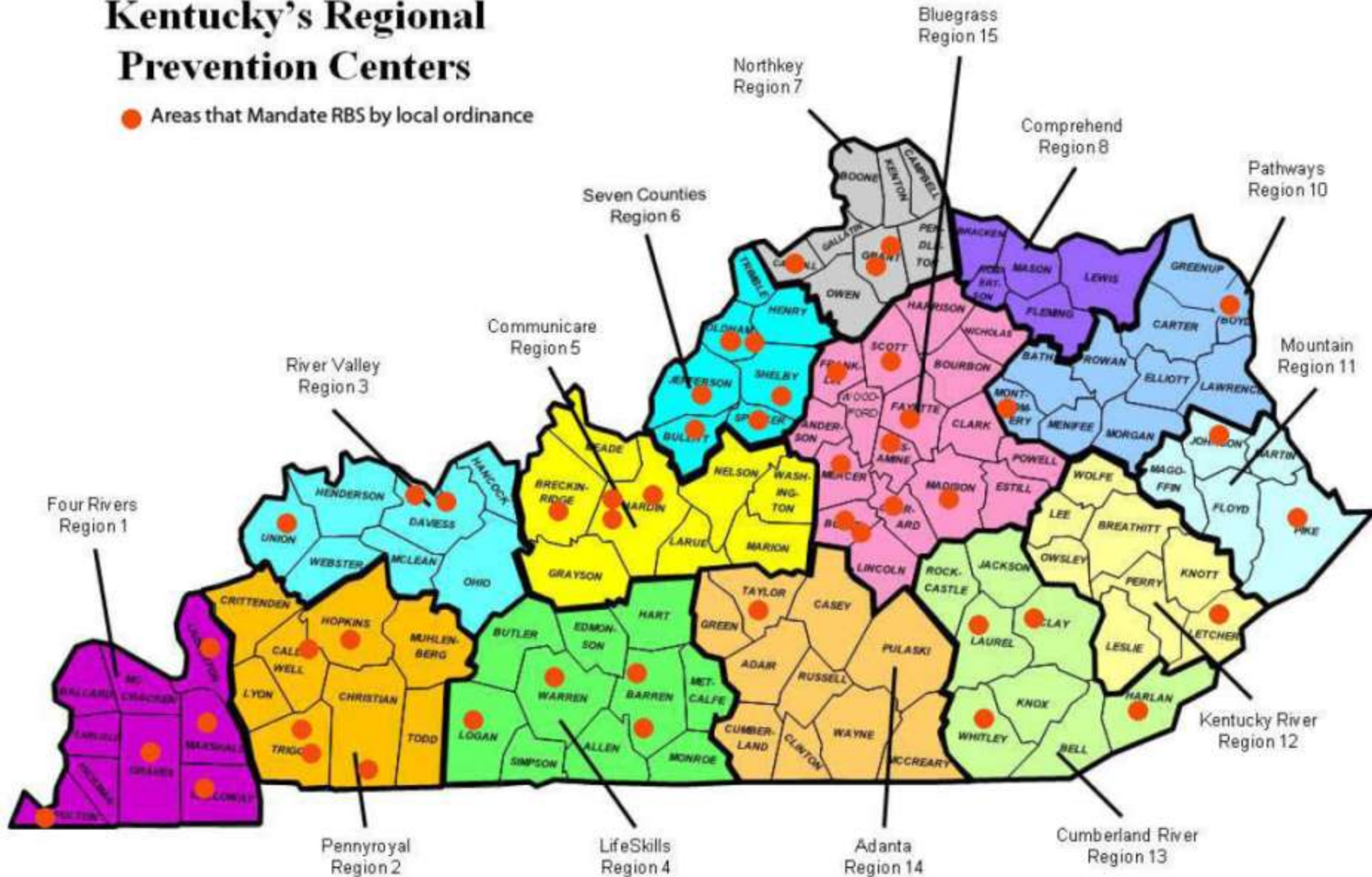
Dissemination

- Face to Face Trainings
 - Eliminated counties with RBS as may be covered by STAR
 - Asked Regional Prevention Centers to cover other counties
 - When RPC couldn't cover, asked Local Health Departments to step in



Kentucky's Regional Prevention Centers

● Areas that Mandate RBS by local ordinance



Face to Face Training

- Conducted by RPC or LHD
- Flexible scheduling
- Takes about an hour
- Uses same power point as on-line training
- Will have time to role play refusing a sale
- Take a final quiz at the end
- RPC/LHD will mail out final certificate

TRUST

- Content is based on FDA Center for Tobacco Product's Draft Guidance for Industry Tobacco Retailer Training Program issued in July of 2010.
- Draft Guidance lays out CTP's recommendation for elements of an effective tobacco vendor education program.

Draft Guidance for Industry

Tobacco Retailer Training Programs

This guidance document is intended to assist tobacco retailers in implementing effective training programs for employees to learn the Federal laws restricting the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, cigarettes and smokeless tobacco products. This document also provides retailers with guidance on implementing effective training on how to request and verify the photo identification of purchasers younger than 27 years of age and how to refuse the sale of cigarettes or smokeless tobacco to purchasers younger than 18 years of age.

The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Public Law 111-31; 123 Stat. 1776) does not require retailers to implement retailer training programs. However, the statute does provide for lower civil money penalties for violations of access, advertising and promotion restrictions promulgated under section 906(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Tobacco Control Act, for retailers who have implemented a training program that complies with standards developed by the FDA for such programs. The FDA intends to promulgate regulations establishing standards for approved retailer training programs. In the interim, however, for retailers who wish to implement training programs, this guidance document explains:

- The civil money penalties that may be assessed against retailers for violations of restrictions promulgated under section 906(d) of the FFDCA, as amended by the Tobacco Control Act, pertaining to restrictions on the sale and distribution of a tobacco product, including access, promotion and advertising restrictions;
- How the penalty structure differs for retailers with and without approved training programs;
- Definitions;
- Recommendations for elements to be included in a retailer training program; and
- Recommended hiring and management practices.

Elements of Training

- National and state data on tobacco use
- Federal and state laws and penalties
- Written company policies against sales to minors
- Description of tobacco products covered by laws
- How to request identification

Elements of Training

- Valid forms of identification
- Verifying authenticity of photographic identification
- Age verifying techniques
- Effective ways to refuse sales to underage youth
- Methods for ensuring and documenting that employees have knowledge to comply with laws

Samples of the Training Content



Federal Penalties

- First violation for any Tobacco Control Act Law:
- Issuance of warning letter to the retailer
- Second violation within a 12-month period:
- \$250
- Third violation within a 24-month period:
- \$500
- Fourth violation within a 24-month period:
- \$2,000

Recommended Forms of ID

- Government-issued photographic IDs
- Why? Because they have
 - Photo of the person
 - Date of birth
 - Expiration Date
- FDA recommends not accepting expired IDs

Kentucky Minor ID

Minor IDs are vertical

Holograms of Transportation Cabinet logo

Expiration Date

Date of birth



18th and 21st
birthday listed
in red

Under black light
see THE
BLUEGRASS STATE

State picture red for
identification card

Refusing a Sale

I'd like a
pack of
cigarettes



Can I see
some ID?

This ID says
you're under
18. I can't sell
to you.

If I make this
sale, the store
owner and I
could both be
fined. I can't
do it.

Oh come on!
Your boss won't
be happy to
hear you
turning down a
sale!

Supporting Documents



SAMPLE TOBACCO SALES POLICY & PROCEDURES

Each employee of XXXX has a moral, ethical and legal responsibility to refuse to sell tobacco products to anyone under the age of 18.

Tobacco products must not be sold to anyone under the age of 18. This is the law. XXXX requires all employees to check for proof of age for any customer under the age of 27 who is attempting to purchase tobacco products.

VERIFY THE CUSTOMER'S AGE BEFORE SELLING TOBACCO PRODUCTS

Supporting Documents



Tips for Managers

As a manager, you have a responsibility to prevent underage youth from illegally purchasing or stealing tobacco from your retail outlet(s). Here are some suggestions for eliminating underage sales and theft of tobacco:

1. Develop a storewide policy requiring managers and employees to request legitimate picture forms of identification.
2. If customers complain about your tobacco policy, explain that Kentucky law prohibits the sale of tobacco to anyone under age 18 and that federal law requires clerks to ask for identification for the sale of alcohol to anyone who appears under the age of 27.

Supporting Documents



Best Practices in Tobacco Retailing

When...	Action
Developing a Store (or Company) Policy	<ul style="list-style-type: none"><input type="checkbox"/> Require that IDs are requested and checked for all customers appearing to be younger than age 27<input type="checkbox"/> Accept only government-issued valid photo ID from a specified list (e.g., driver's license, state ID, passport, military ID)<input type="checkbox"/> Assign adult employees to sell, or supervise the sale of, tobacco products
Training	<ul style="list-style-type: none"><input type="checkbox"/> Train all employees who sell tobacco products on laws and company policies regarding sale of tobacco products, including health-related reasons to prevent youth access to tobacco

Questions?